

**IN THE DRAWING(S):**

The attached Replacement Sheet includes changes to Figure 2. The Replacement Sheet is intended to replace originally-filed Figure 2 .

Attachment: Replacement Sheet (One (1) sheet; Figure 2).

## REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action dated July 28, 2006, the Examiner rejected claims 4-5, 9-10, and 14-15, under 35 U.S.C. §112, ¶1, as allegedly failing to comply with the enablement requirement; and rejected claims 1-3, 6-8, and 11-13, under 35 U.S.C. §102(e), as allegedly being anticipated by Sims '648 (U.S. Patent Pub. No. 2004/0078648).

The Examiner also objected to the Drawings and the Specification.

By this Amendment, Applicant has amended claims 1, 5, 9, 10, 11, and 15 to provide a clearer presentation of the claimed subject matter and has cancelled claims 2-4, 6-8, and 12-14 without prejudice or disclaimer. Applicant submits that no new matter has been introduced.

Regarding the objections, Applicant has amended the Drawings to clarify the depictions and disclosures presented therein. In particular, the description of ST 6 has been amended to state that the disk is handled as a disk in which additional data cannot be recorded but the data on the disk can be erased. Also, the output decisions of ST 5 have been corrected. Along these lines, the Specification has also been amended to clarify the output decisions of ST 5. As such, the Drawing objections have been overcome and the immediate withdrawal of these objections is respectfully requested.

With respect to the objection of the Specification and the §112, ¶1 rejection, Applicant respectfully submits that the claim limitation reciting the detection of a second defect common to the entire disk is both fully supported and enabled by the written description. In particular, the disclosed embodiments clearly state that:

Defects of a disk include, e.g., warping of the disk (warping component S), waviness of the disk (side-runout component M), eccentricity of the barycenter of the disk (*mass eccentricity component H*), and eccentricity of the center of the disk (*eccentricity component C*). The warping component S and side-runout component M can be inspected for each area. The warping component for each area is represented by  $S_k$ , and the side-runout component for each area is represented by  $M_k$  . . . [t]he *mass*

*eccentricity component H and eccentricity component C are common to all areas, and H and C are obtained.* The recording performance  $A_k$  of each area is obtained from the defect components obtained in that area. The recording performance of the area  $k$  is given by

$$A_k = f(S_k, M_k, H, C)$$

where  $f$  is defined such that the larger the value  $A_k$  becomes, the poorer the recording performance becomes.

(See, Original Specification: page 10, line 10 – page 11, line 12)(*emphasis added*). Accordingly, the immediate withdrawal of the objection to the Specification and §112, ¶1 rejections of claims 4-5, 9-10, and 14-15 is respectfully requested.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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